

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

ANTHONY BOYATT, d/b/a
BOYATT DESIGNS,

Plaintiff,

v.

CLAY TO CUSTOM
CONSTRUCTION, LLC,
ARNOLD CLAY SINDLEDECKER,
and CODY DEVIN NUTT,

Defendants.

Civil Action No.

2:24-cv-74-RWS

CODY DEVIN NUTT,

Third-Party Plaintiff,

v.

COMPASS GEORGIA, LLC, and
LAURA ELLEBY,

Third-Party Defendants.

ORDER

This case comes before the Court upon the joint request of the parties that the matter be referred to a U.S. Magistrate Judge for mediation. [Dkt. 46]. Pursuant to the District's Local Rules, "A judge may in his or her discretion refer any civil case to a non-binding ADR process, e.g. early neutral evaluation, mediation, or

non-binding arbitration.” LR 16.7(B)(1). The timing of a referral is also within the Court’s discretion. Id.

At the request of the parties, the Court will refer the parties to a judicial settlement conference or mediation with a Magistrate Judge to help explore the potential for settlement prior to trial. Accordingly, it is hereby **ORDERED** that this matter be **REFERRED** to the Honorable Russell Vineyard, Chief U.S. Magistrate Judge, for random assignment to the next available Magistrate Judge for mediation.

The case will be temporarily **STAYED** pending mediation, including the deadlines for a Rule 26(f) conference and discovery plan, opposition to Third-Party Defendants Compass Georgia, LLC and Laura Elleby’s Motion to Dismiss Third-Party Complaint, and amending counterclaims pursuant to Fed. R. Civ. P. 15(a)(1)(B). However, per their joint motion the parties are further **ORDERED** to exchange Rule 26(a)(1)(A) disclosures and any other documentation the parties agree to exchange within **fourteen (14) days** from the date of this Order.

If the case is not settled in mediation, the parties shall notify the Court **within five (5) days** of the mediation outcome so that this case can resume. After the stay is lifted, Third-Party Plaintiff Cody Nutt will have **fourteen (14) days** to file his opposition to Third-Party Defendants Compass and Elleby’s Motion to

Dismiss Third-Party Complaint for Failure to State a Claim [Dkt. 43] and **twenty-one (21) days** to amend his Third-Party Complaint [Dkt. 19].

The Clerk is **DIRECTED** to forward a copy of the instant Order to the Chief Magistrate Judge.

SO ORDERED this 30th day of September, 2024.

A handwritten signature in black ink, reading "Richard W. Story". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.

RICHARD W. STORY
United States District Judge